101-561

Public Law 101-561
101st Congress

An Act

Nov. 15, 1990
[H.R. 5667]

To amend the Water Resources Development Act of 1974 to transfer jurisdiction of the Big South Fork National River and Recreation Area from the Secretary of the Army to the Secretary of the Interior, and for other purposes.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. BIG SOUTH FORK NATIONAL RIVER AND RECREATION AREA.

16 USC 460ee.

(a) TRANSFER OF JURISDICTION.—(1) Section 108(b)(1) of the Water Resources Development Act of 1974 (88 Stat. 43) is amended by striking the 1st and 2nd sentences and inserting the following: "Effective upon the date of enactment of this sentence, responsibility for all planning, acquisition, and development, as well as administrative jurisdiction over all Federal lands, water, interests therein, and improvements thereon, within the National Area is hereby transferred to the Secretary of the Interior. The Secretary may complete all acquisition and development activities in progress on the date of enactment of this sentence, and the Secretary and the Secretary of the Interior may, by mutual agreement, provide for an orderly and phased assumption of responsibilities (including but not limited to land acquisition and the construction of necessary access roads, day-use facilities, campground facilities, lodges, and administrative buildings) and available funds by the Secretary of the Interior in furtherance of the purposes of this section. The Secretary of the Interior shall administer the National Area in accordance with the provisions of the Act of August 25, 1916 (39 Stat. 535; 16 U.S.C. 1, 2-4), as amended and supplemented. The authorities set forth in this section which were available to the Secretary immediately prior to the date of enactment of this sentence shall after such date be available to the Secretary of the Interior.".

(2) Section 108(b)(1) of such Act is further amended by striking the last sentence.

(3) Paragraph (2) of section 108(b) of such Act is repealed, and section 108(b) of such Act is further amended by striking "(1)" after "(b)".

(b) EXCEPTIONS TO GORGE AREA RESTRICTIONS.—Section 108(e)(2)(A) of such Act is amended by striking the 3rd and 4th sentences and inserting the following: "No structures shall be constructed within the gorge area except for structures associated with the improvement of historical sites specified in paragraphs (5), (6), and (8), except for day-use facilities and primitive campgrounds along the primary and secondary access routes specified herein and within 500 feet of such roads, and except for primitive campgrounds accessible only by water or on foot. No motorized transportation shall be allowed in the gorge area except on designated access routes, existing routes for administration of the National Area, existing routes for access to cemeteries; except that motorboat access into the gorge area shall be permitted up to a point one-tenth of a mile downstream from Devils' Jumps and except for the continued operation and maintenance of

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the rail line currently operated and known as the K & T Railroad. The Secretary of the Interior shall impose limitations on the use of existing routes for access to cemeteries.".

(c) MAINTENANCE OF EXISTING ROADS WITHIN GORGE AREA.—Section 108(e)(2)(D) of such Act is amended by striking "nonvehicular" and inserting "nonmotorized". 16 USC 460ee.

(d) CONSTRUCTION WITHIN GORGE AREA.—Section 108(e) of such Act is amended by adding at the end the following new paragraph:

"(8) IMPROVEMENT OF CHARIT CREEK LODGE AND HISTORIC STRUCTURES.—The Secretary of the Interior may make improvements to the Charit Creek Lodge and associated facilities and to historic structures determined to be eligible for listing in the National Register of Historic Places. Such improvements shall be made in a manner consistent with the historic scene and the limited ability of the National Area to accommodate additional use and development. Improvements to the Charit Creek Lodge and associated facilities shall be made within the approximately 30 acres of cleared land existing on the date of the enactment of this paragraph and within carrying capacity limitations determined by the National Park Service.".

(e) FUNDING.—Section 108(k) of such Act is amended by striking the last sentence and inserting the following: "Costs for the National Area shall be provided in the same manner as costs for national recreation areas administered by the Secretary of the Interior through the National Park Service.".

Approved November 15, 1990.

LEGISLATIVE HISTORY—H.R. 5667:

HOUSE REPORTS: No. 101-841, Pt. 1 (Comm. on Interior and Insular Affairs).
CONGRESSIONAL RECORD, Vol. 136 (1990):
Oct. 10, considered and passed House.
Oct. 26, considered and passed Senate.

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